

REMARKS

In response to the Office Action dated August 11, 2008, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Applicant wishes to thank the Examiner for the courtesy of an Examiner Interview with the undersigned on September 9, 2008. The undersigned and the Examiner discussed the outstanding rejection under 35 U.S.C. § 112, first paragraph. Although no agreement was reached, Applicant agreed to file amendments to overcome this rejection.

Claims 1-5, 8-15 and 19-21 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to meet the written description requirement. Claims 1-5, 8-15 and 19-21 were rejected under 35 U.S.C. § 112, second paragraph. The basis for these rejections is the use of "third data set" and "master data set" in the specification and drawings to refer to the same data set. This inconsistency has been corrected in the specification and in Figure 3. The original specification describes comparing text strings in any number of data sets 40, 42, 44, 46 and 50. Paragraph [0026] and Figure 3 disclose comparing text strings in any number of data sets 40, 42, 44, 46 and 50 to generate a "third data set." Paragraph [0027] and Figure 2 disclose comparing text strings in any number of data sets 40, 42, 44, 46 and 50 to generate a "master data set." As previously noted, the "third data set" and "master data set" are the same element. The specification and drawings have been amended to correct this inconsistency. No new matter has been entered. It is believed these amendments overcome the rejections under 35 U.S.C. § 112.

Claims 1-5, 8-15 and 19-21 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Herz. This rejection is traversed for the following reasons.

Claim 1 as amended recites, *inter alia*, "the master data set including a plurality of potential interest elements based on a number of matches between the first, second and third attributes; and ranking the potential interest elements in the master data set based on the number of matches between the first, second and third attributes." Support for these features is found in at least paragraph [0027] and Figure 3 of Applicant's specification. Herz fails to teach or suggest these features. Herz teaches ranking items based on similarity to a user profile. For example, Herz teaches ranking hyperlinks in accordance with a relative priority to a user profile (column 48, lines 12-15). This teaching by Herz, however, is directed to

ranking target profiles as compared to a user's target profiles. Claim 1 is directed to formation of the master set of data for that user, not to evaluating new items for a match with a user. Herz does not teach "ranking the potential interest elements in the master data set based on the number of matches between the first, second and third attributes."

For at least the above reasons, claim 1 is patentable over Herz. Claims 2-5, 8 and 9 depend from claim 1 and are patentable over Herz for at least the reasons advanced with reference to claim 1.

Claim 10 recites features similar to those discussed above with reference to claim 1 and is patentable over Herz for at least the reasons advanced with reference to claim 1. Claims 11-15, 19 and 20 depend from claim 10 and are patentable over Herz for at least the reasons advanced with reference to claim 1.

Claim 21 recites features similar to those discussed above with reference to claim 1 and is patentable over Herz for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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